

ARTICLE ONE

GENERAL PROVISIONS

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ARTICLE ONE

GENERAL PROVISIONS

1.00.00 *TITLE*

These regulations shall be known, referred to, and cited as "The Jefferson County, Florida, Land Development Code" or "Land Development Code" or "Code."

1.01.00 *AUTHORITY*

1.01.01 Purpose of the Land Development Code

It is the purpose of this Code to combine the regulations of various aspects of land development and use of natural resources into a common system of administration and appeals, in order to simplify the application process for the public, to conserve personnel resources of County Government, and affect a harmonious arrangement of structures, ways, and natural features.

1.01.02 State Statutes in Support of Code

The Board of County Commissioners in adopting and enforcing the Code derives its power and authority from 163.3202, Florida Statutes, (the Local Government Comprehensive Planning and Land Development Regulation Act), and the general powers in Chapter 125, Florida Statutes, and other statutes conferring power upon counties to conserve natural resources, manage the environment and regulate development in order to further the health, order, comfort and convenience of County residents and visitors.

1.02.00 *OBJECTIVES OF CODE*

1.02.01 Objectives

This Land Development Code shall be interpreted and administered to carry out these objectives as the county has the resources and defined code to regulate them:

- A. To establish a procedure for deciding whether a land development activity should occur where and as proposed, which procedure:
 - 1. Makes mapped information about resources and constraints at that location available to the applicant and the decision-makers;
 - 2. Makes performance criteria available as a means of evaluating such proposal;
 - 3. Allows citizen participation in such decision; yet
- 4. Furthers the predictability of the outcome of such decision, for the benefit of public and private interests, which rely on the predictability of such decisions.
- B. Contribute to the carrying out of the Comprehensive Plan of Jefferson County;
- C. Secure safety from flood water, mud slides, hurricane, blowing dust, geologic hazards, fire, building collapse, vehicular traffic, noise, odors, pollutants and other dangers to health;
- D. Protect public from exposure to unsafe or unpalatable domestic water supplies, and from risks and annoyance from inadequate liquid waste disposal systems;
- E. Protect the County's varied and complex environment;
- F. Prevent overcrowding of land or intensity of use which is high in relation to land capacity considering soils, slope, ground and surface water resources, plant life, airshed and other limitations;
- G. Protect as educational and recreational resources of the County the natural and built features of the outdoor environment including archaeological sites, communities of historic, anthropological or architectural interest, historic areas, landmarks, unique natural landforms, water resources, plant or animal communities, while at the same time providing for the needs of the people;
- H. Create a variety of distinct residential and nonresidential places in the County; thereby enhancing choices available to persons in their roles as residents, workers, shoppers, and visitors;
- I. Encourage land use and land development according to the accepted professional practices of environmental protection, land use planning, architecture, landscape architecture, rural design, urban and civic design;
- J. Encourage spontaneity and innovation in land use arrangements and building design on the part of private land owners and land developers within the County;
- K. Minimize dependence on fossil fuels and other exhaustible resources in the provisions of light and climate control in and around buildings and structures;

- L. Realize a pattern of locations of dwelling units, jobs, and other trip origins and destinations to encourage pedestrian and bicycle travel, to minimize vehicular trips and trip lengths, and to facilitate the operation of public and quasi-public transportation systems;
- M. Facilitate the adequate provision of utilities, roads, schools, parks, and other public requirements;
- N. Protect public investment in lands, roads, parkways, trails, schools, and other buildings by controlling the appearance and intensity of activities on private lands nearby;
- O. Economize public investments in County infrastructure by controlling location, intensity and staging of development;
- P. Control and abate the unsightly use of land and buildings;
- Q. Enhance and protect the visual and functional aspects of the County's natural and built features;
- R. Encourage owners and occupants of residential and nonresidential settlements, subdistricts, centers and locales to decide on their common preferences regarding signs, placing of utility lines, building form and style, materials and color, vegetation, location and treatment of parking areas and similar components of visual character so that these can be incorporated into the Land Development Code and thereby create and protect the individuality and uniqueness of different places and life styles in the County;
- S. Prevent the uncertainty and expense in the allocation of water resources and public facilities which results when the sales of lots in land subdivisions greatly exceeds the rate at which buyers of lots occupy residences on such lots;
- T. Ensure by means of occupancy permits that changes in the use of enclosed and outdoor space occur only according to the requirements and procedures of this Code;
- U. Provide by means of registration for the amortization and compulsory retirement of certain classes of nonconforming structures and uses of land, such as outdoor advertising and outdoor storage of used items;
- V. Carry out the purposes of this Land Development Code; and such other purposes which are set out in the various Statutes cited in Section 1.01.02 of this Land Development Code; and
- W. Implement the requirements of 163.3202, F.S., and 9J-24, F.A.C.

1.03.00 MATERIALS INCORPORATED BY REFERENCE

The following materials have been adopted by reference throughout this Code:

Jefferson County Comprehensive Plan	Throughout
National Arborist Association Standards	2.05.04(C)
FDOT Generalized LOS Tables	3.03.02(A)(2)(a)
ITE Trip Generation Report	3.03.02(A)(2)(b)
National Wetlands Reconnaissance Survey	4.05.02(B)
The Secretary of the Interior's Standards for Rehabilitation and Guidelines for Rehabilitating Old Buildings	4.06.02(E)
FDOT Bicycle Facilities Planning and Design Manual	5.02.04(B)
Florida Division of Forestry Silviculture Best Management Practices Manual	5.06.00(A)(3)
Minimum Requirements for Pipes and for Drives	
ITE: Traffic Access and Impact Studies for Site Development - A Recommended Practice	9.08.06
Florida Building Code	Throughout
DEP Stormwater and Wetland Resource Permit to be combined in environmental resource permit Rules (62-25), or successor rules and 62-312, or successor rules	
SRWMD Stormwater Rules 40-B-1, 4, 40, 401 et sec, and WoB rules	

1.04.00 SOURCES OF REGULATION AND INTERPRETATION THEREOF

1.04.01 Sources of Regulation

- A. Comprehensive Plan. A presumption is made that a development is consistent with the Jefferson County Comprehensive Plan if it meets the requirements of this Code.
- B. Performance Criteria. The impact of a proposal can be tested against performance criteria and other standards set out in this Code. Some such criteria and standards are of a qualitative nature calling for expert and discretionary interpretation and application.
- C. Precedent of Past Development Decisions. Records shall be kept of past development decisions in Jefferson County at the Land Development Office to assist officials in making decisions, which are consistent with precedent.

1.04.02 Principles for Interpreting Various Media of Regulation

These rules should be applied in the interpretation of various sources of regulation:

- A. In the interpretation and application of this Code all provisions shall be liberally construed in favor of the goals, objectives and policies of the Jefferson County Comprehensive Plan.
- B. Comprehensive Plan graphic and policy statements, mapped controls, performance criteria and other regulations are guides to case by case decision-making over development permit applications. The adoption of such mapped controls, performance criteria and other regulations does not confer rights on land owners to any use of building or structure indicated by such regulations, and does not confer rights to a development permit or permits.

1.05.00 ACTIVITIES REQUIRING PERMIT, EXTENT OF ACTIVITIES AUTHORIZED AND FEE SCHEDULE

1.05.01 Permit Required

The activities in Section 1.05.02 may be conducted within the jurisdiction of this Code only after the receipt of a development permit for the subject activity.

1.05.02 Regulated Activities Enumerated

The following activities are regulated:

- A. The erection, construction, reconstruction, alteration or major repair of a building or structure as required by the Building Code.
- B. Change of use of land or buildings for residential, business, industrial, recreation, agricultural, mining, and other rural and urban purposes.
- C. Any subdividing of a lot, tract or parcel of land into lots, sites or other division of land for the purpose, whether immediate or future, of sale or of building, development, including resubdividing. The creation of lots is considered subdivision regardless of whether the lots are described by metes and bounds or by reference to a plat.
- D. The placing of a mobile home for human occupancy on a lot or parcel containing a dwelling or other building; the offering for sale or lease of a mobile home space or spaces; the construction of a mobile home park; the occupancy of a mobile home for which no development permit had been granted prior to the time of such occupancy.

- E. Establishing a water source for sale such as a well or intake, to supply domestic water; extending a water distribution system which serves four or more dwelling units or places of employment.
- F. Constructing a liquid waste collection, disposal or treatment system to be used to support a building or group of buildings.
- G. Grading, earthmoving, mining, removal of sand and gravel, and the clearing of topsoil, grasses, shrubs and other plant materials in large quantities as part of a land development or commercial mining venture, and not a farming or nursery operation.
- H. The significant alteration of an area having unique historical, archaeological, scenic, geological, plant or animal resources.
- I. The occupancy or use of a building or parcel of land for a substantially different activity than previously, such as a change from residential to nonresidential purposes, or a change from one type of nonresidential use to another.
- J. The commencing of an activity that will emit vibration, smoke or particulate matter, odor, toxic or noxious matter, radiation, glare, electromagnetic interference or other emission at a level that will be a detriment to other users or owners of land, watercourse, air, building or public ways and facilities. However, activities associated with agricultural uses; and uses meeting the Department of Forestry Best Management Practices; are exempt from this provision.
- K. Outdoor storage of vehicles, farm implements, boats and other large objects, in a location visible from a public road, and other than as a customary accessory use to a farm, ranch or dwelling.
- L. Erection or display of a commercial sign or outdoor advertising device.
- M. Opening of a vehicular drive between a public street or road, and private property.
- N. Construction or paving of an off-street parking lot for vehicles, except as a customary accessory use to a farm, ranch or single family residence.
- O. The remodeling or use of a building, structure or activity which predates this Development Code or an amendment thereto, and which would not likely be permitted in that location if such building, structure or activity postdated the Development Code or that amendment thereto.
- P. The erection, alteration or removal of any exterior fabric of a building or structure subject to public view from any public street, way or place, after such building has been designated an historic landmark by this Code or is located in an area designated as an historic district by this Code.

1.05.03 Extent of Activities Authorized by a Development Permit

- A. A development permit shall specify that activity or activities among those listed in Section 1.05.02 of this Code which such permit authorizes.
- B. Activities or construction allowed by a particular development permit is limited by:
 - 1. The terms of this Code;
 - 2. Any conditions, including time of expiration, attached to the permit; and
 - 3. The plans and written statements of intent submitted by the applicant for the permit.

1.06.00 *REPEAL OF OTHER REGULATIONS*

This Code is intended to replace all previous land development regulations of Jefferson County including the Land Development Code as amended on June 15, 1983.

1.07.00 *ABROGATION*

This Land Development Code is not intended to repeal, abrogate or interfere with any existing easements, covenants, or deed restrictions duly recorded in the public records of Jefferson County unless they are in conflict with specific regulations of this Code.

1.08.00 *VESTED RIGHTS*

Nothing in this Code shall limit or modify the rights of any person to complete any development that has been authorized, prior to the adoption of the Jefferson County Comprehensive Plan and this Code, as a development of regional impact pursuant to Chapter 380, Florida Statutes, or who has been issued a final local development order, prior to the adoption of the Jefferson County Comprehensive Plan and this Code, and development is commenced and continuing in good faith. For purposes of this provision, a final order approving a land use change and/or issuing a building permit pursuant thereto under the Jefferson County Development Code of December 1978, as amended, shall be deemed a "local development order" as that term is used in Chapter 163.3164(6), Florida Statutes. Such approval shall be deemed final on the date an order of approval is entered by the Jefferson County Commission or by the Jefferson County Planning Commission or the Jefferson County Land Development Office if no appeal is taken to the Jefferson County Commission. "Vesting", as used herein, includes the right to proceed and to

complete the development in accord with the provisions set out in such development order. A project for which a final local development order has been issued shall be deemed commenced upon the occurrence of any activity listed in Section 380.04, Florida Statutes; provided however, that a development shall also be deemed commenced and continuing in good faith during: (1) the pendency of any appeal of the final development order or any building permit issued pursuant thereto; (2) the pendency of legal action under Section 163.3215, Florida Statutes; (3) the County's post-judicial appeal reconsideration of a development order or building permit which had been previously vested; and (4) a period of 180 days after the conclusion of any such appeal or other legal challenge to a final development order as defined above. Nothing in this Code shall limit or modify the equitable rights of any person.

1.09.00 *SEVERABILITY*

If any section, subsection, paragraph, sentence, clause, or phrase of this Code is for any reason held by any court of competent jurisdiction to be unconstitutional or otherwise invalid, the validity of the remaining portions of this Code shall continue in full force and effect.

1.10.00 *EFFECTIVE DATE*

These regulations are passed, approved and adopted by the Board of County Commissioners of Jefferson County to be effective December 13, 1990. These regulations are authorized by and drawn in accordance with the enactments of the Legislature of the State of Florida, as further described in Section 1.01.02 of these regulations.